

Docket No.: 21424-00012-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jean-Pierre Lepine

Application No.: 10/526,666

Confirmation No.: Not Yet Assigned

Filed: March 4, 2005

Art Unit: N/A

For: **BRACELET WATCH WITH MOVABLE
CONNECTION LUGS**

Examiner: Not Yet Assigned

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR 1.181)
OR, IN THE ALTERNATIVE, PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant has become aware of a Notification of Abandonment dated July 20 and remailed August 5, 2005 (Exhibits A and B). Applicant hereby petitions the Commissioner to withdraw the holding of abandonment under 37 CFR 1.181.

The Notification of Abandonment incorrectly shows Customer No. 20678 - Compaq Computer Corporation. Applicant encloses (Exhibit C) the stamped March 4, 2005 Application Data Sheet page for the present application that shows the correct Customer No. 30678.

The Notification of Abandonment states that Applicant failed to provide full U.S. Basic National Fee by 30 months. Applicant asserts that neither Notice of Abandonment nor a Notification of Missing Requirements was never received by Petitioner because of the incorrect Customer No. 20678.

Relevant Facts

A Transmittal Letter to the U.S. Designated-Elected Office and an Application Data Sheet were filed on March 4, 2005 and both show Customer No. 30678. In anticipation of a Notification of Missing Requirements, a filing was made on June 27, 2005 (Exhibit D) which included a second Transmittal Letter to the U.S. Designated-Elected Office (again showing Customer No. 30678), English language translation of the international application, oath/declaration, preliminary amendment and showing good intent, the \$65 late oath/declaration fee and the \$130 late translation fee were paid. To complete the PTO records, an Information Disclosure Statement filed October 19, 2005 (Exhibit E) is also enclosed.

During a routine review of the status of the application, applicant's attorney was informed by the PTO that the application had gone abandoned. Immediately thereafter, on October 14, 2008, applicant filed a Power to Inspect and immediately obtained a copy of the PTO file wrapper (Exhibit F) to determine the particulars of the abandonment and commenced this petition.

Relief Sought by Applicant

Applicant respectfully requests that the holding of abandonment be withdrawn as if no abandonment had occurred and reopen the prosecution of the present patent application. It is applicant's position that the PTO error in customer number resulted in defective notice of abandonment.

If the Petition to withdraw holding of abandonment under 37 CFR 1.181 is not acceptable, Applicant Petitions for revival of the application for patent abandonment unintentionally under 37 CFR 1.137(b).

STATEMENT

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

No petition fees are believed to be due in this matter because of USPTO error. The charging of the filing fee for entering the national phase is hereby authorized by the attorney of record along with any other fee that may be due. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0185, under Order No. 21424-00012-US1 from which the undersigned is authorized to draw.

Dated: November 4, 2008

Respectfully submitted,

Electronic signature: /Morris Liss/

Morris Liss

Registration No.: 24,510

CONNOLLY BOVE LODGE & HUTZ LLP

1875 Eye Street, NW

Suite 1100

Washington, DC 20006

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Applicant

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2009</h3>		Complete if Known	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/526,666
		Filing Date	March 4, 2005
		First Named Inventor	Jean-Pierre Lepine
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
TOTAL AMOUNT OF PAYMENT		(\$)	490.00
		Attorney Docket No.	21424-00012-US1

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☐ Deposit Account Deposit Account Number: 22-0185 Deposit Account Name: Connolly Bove Lodge & Hutz LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP	x	=				
HP = highest number of total claims paid for, if greater than 20.						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP	x	=				
HP = highest number of independent claims paid for, if greater than 3.						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge):	
2631 Basic National Stage fee	165.00
2642 National Stage Search Fee - search report ...	215.00
2633 National Stage Examination Fee - all other ...	110.00

SUBMITTED BY

Signature	/Morris Liss/	Registration No. (Attorney/Agent)	24,510	Telephone	(202) 331-7111
Name (Print/Type)	Morris Liss	Date	November 4, 2008		

EXHIBIT A

EXHIBIT A

Page 1 of 1

3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22312-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,666	Jean-Pierre Lepine	21424-00012-US1

INTERNATIONAL APPLICATION NO.

PCT/FR03/02653

I.A. FILING DATE

09/05/2003

PRIORITY DATE

09/05/2002

20678
COMPAQ COMPUTER CORPORATION
LEGAL DEPARTMENT
MAIL CODE: M110701, P.O. BOX 692000
HOUSTON, TX 77269-2000

CONFIRMATION NO. 3148

371
ABANDONMENT/TERMINATION
LETTER



OC000000016569904

*Tele
Lepine
9/5*

Date Mailed: 07/20/2005

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

EXHIBIT B

EXHIBIT B

Page 1 of 1

2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,666	Jean-Pierre Lepine	21424-00012-US1

INTERNATIONAL APPLICATION NO.

PCT/FR03/02653

IA FILING DATE	PRIORITY DATE
09/05/2003	09/05/2002

20678
COMPAQ COMPUTER CORPORATION
LEGAL DEPARTMENT
MAIL CODE: M110701, P.O. BOX 692000
HOUSTON, TX 77269-2000

CONFIRMATION NO. 3146

371
ABANDONMENT/TERMINATION
LETTER

OC000000016569904

OC000000016569904

Date Mailed: 08/25/2005

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

EXHIBIT C

EXHIBIT C

10/526666
DT01 Rec'd PCT/PT 04 MAR 2005

Correspondence Customer Number:: 30678

Representative Information

Representative Customer Number:: 30678

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	National Stage of	PCT/FR2003/0026 53	09/05/03

Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::
France	FR02/11025	09/05/02	Yes

Assignee Information

EXHIBIT D

* * * COMMUNICATION RESULT REPORT (JUN. 27. 2005 4:09PM) * * *

FAX HEADER 1: CBL&H 202 293 6229
FAX HEADER 2:TRANSMITTED/STORED : JUN. 27. 2005 4:05PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

5910 MEMORY TX

5907#29999#1#7033053

OK

22/22

Exhibit DREASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION**FAX TRANSMISSION**

DATE: June 27, 2005

PTO IDENTIFIER: Application Number 10/526,666
Patent Number

Inventor: Jean-Pierre Lepine

MESSAGE TO: US/RO

FAX NUMBER: (703) 305-8230

FROM: CONNOLLY BOVE LODGE & HUTZ LLP
Morris Liss

PHONE: (202) 331-7111

Attorney Dkt. #: 21424-00012-US1

PAGES (Including Cover Sheet): 22

CONTENTS:

- Transmittal Letter to the United States Designated-Elected Office (2 pages)
- Fee Transmittal (1 page)
- English language translation of the International application
- Oath or declaration of the inventor(s)
- Preliminary Amendment
- Charge \$195.00 to deposit account 22-0185
- Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (202) 331-7111 and send the original transmission to us by return mail at the address below.

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CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800, Washington, DC 20036-3425
Telephone: (202) 331-7111 Facsimile: (202) 293-6229

FAX TRANSMISSION

DATE: June 27, 2005

PTO IDENTIFIER: Application Number 10/526,666
Patent Number

Inventor: Jean-Pierre Lepine

MESSAGE TO: US/RO

FAX NUMBER: (703) 305-3230

FROM: CONNOLLY BOVE LODGE & HUTZ LLP
Morris Liss

PHONE: (202) 331-7111

Attorney Dkt. #: 21424-00012-US1

PAGES (Including Cover Sheet): 22

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CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800, Washington, DC 20036-3425
Telephone: (202) 331-7111 **Facsimile:** (202) 293-6229

Application No. (if known): 10/526,666

Attorney Docket No.: 21424-00012-US1

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on June 27, 2005
Date



Signature

Lisa Hawkins

Typed or printed name of person signing Certificate

Registration Number, if applicable

(202) 331-7111

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office (2 pages)
Fee Transmittal (1 page)
English language translation of the International application
Oath or declaration of the inventor(s)
Preliminary Amendment
Charge \$195.00 to deposit account 22-0185

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 21424-00012-US1
INTERNATIONAL APPLICATION NO. PCT/FR2003/002653		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/526,666
INTERNATIONAL FILING DATE 5 September 2003		PRIORITY DATE CLAIMED 5-September 2002
TITLE OF INVENTION WRISTWATCH		
APPLICANT(S) FOR DO/EO/US Jean-Pierre Lepine		

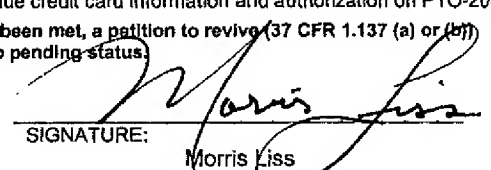
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/526,666		INTERNATIONAL APPLICATION NO. PCT/FR2003/002653		ATTORNEY'S DOCKET NUMBER 21424-00012-US1	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21.	<input type="checkbox"/> Basic national fee	\$300		\$	
22.	<input type="checkbox"/> Examination fee				
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)				\$100	
All other situations				\$200	
23.	<input type="checkbox"/> Search fee				
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100	
International Search Report prepared and provided to the Office				\$400	
All other situations				\$500	
TOTAL OF 21, 22 and 23 =				\$	0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x	\$	
Independent claims	- 3 =		x	\$	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)				\$	
TOTAL OF ABOVE CALCULATIONS =				\$	130.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	65.00
SUBTOTAL =				\$	65.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$ 130.00
TOTAL NATIONAL FEE =				\$	195.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$	195.00
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ 195.00 to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 22-0185. A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
				SIGNATURE:	
				NAME	Morris Liss
CUSTOMER NUMBER: 30678				24,510	
				REGISTRATION NUMBER	

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known Application Number 10/526,666 Filing Date March 4, 2005 First Named Inventor Jean-Pierre Lepine Examiner Name Not Yet Assigned Art Unit N/A Attorney Docket No. 21424-00012-US1	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$) 195.00			

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 22-0185 Deposit Account Name: Connolly Bove Lodge & Hutz LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
_____	- 20 = _____	x _____	= _____	_____	_____	_____
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
_____	- 3 = _____	x _____	= _____			

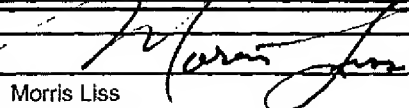
3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	- 100 = _____	/50 _____ (round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 2617 National Stage oath or declaration after thirty ...	65.00
1618 National Stage English translation after thirty ...	130.00

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent) 24,510	Telephone (202) 331-7111
Name (Print/Type)	Morris Liss	Date	June 27, 2005